



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1911

DATE SCANNED 1/22/10

SCANNER NO. 2

SCAN OPERATOR ESS

10092650350



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

December 16, 2008

MEMORANDUM

TO: THE COMMISSION

THROUGH: JOSEPH F. STOLTZ *JS*
ACTING STAFF DIRECTOR

FROM: JOHN D. GIBSON *JG*
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER/CHRIS RITCHIE *RM*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2008 OCTOBER
QUARTERLY REPORT (NON-ELECTION SENSITIVE) FOR THE
ADMINISTRATIVE FINE PROGRAM

2008 DEC 16 2:02

RECEIVED
STANDARD

Attached is a list of political committees and their treasurers who failed to file the 2008 October Quarterly Report in accordance with 2 U.S.C. 434(a). The October Quarterly Report was due on October 15, 2008.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

10092650351

Federal Election Commission
Reason to Believe Circulation Report
2008 OCTOBER QUARTERLY Not Election Sensitive 10/15/2008 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTS Penalty
1910	C00435069	BALDERMANN FOR CONGRESS	BALDERMANN, TIM	TIM BALDERMANN	\$157,306	0		Not Filed	\$157,306 (est)	\$5,500
1911	C00436535	BENJAMIN LODMELL FOR U S CONGRESS	LODMELL, BENJAMIN	BENJAMIN LODMELL	\$121,932	0		Not Filed	\$40,644 (est)	\$900
1912	C00436790	BOB OLSON FOR U S SENATE	OLSON, ROBERT A.	LEE CONNERTON	\$158,365	0		Not Filed	\$31,273 (est)	\$900

1914	C00415422	DELECIA HOLT FOR CONGRESS COMMITTEE	HOLT, DELECIA ANN	WHITNEY HARRIS	\$370,187	0		Not Filed	\$61,686 (est)	\$2,700
1915	C00451864	DR SANDRA B LIVINGSTONE FOR CONGRESS	LIVINGSTONE, SANDRA B. DR.	ELEANOR L. BJUNN	\$284,544	0		Not Filed	\$132,272 (est)	\$4,500
1916	C00433613	EILEEN DONOGHUE FOR CONGRESS COMMITTEE	DONOGHUE, EILEEN	TIMOTHY J. SULLIVAN	\$1,880,423	0		Not Filed	\$240,060 (est)	\$6,500
1917	C00446423	GREG SOWARDS FOR CONGRESS LLC	SOWARDS, GREGORY EDDIE	KIMBALL HAKES	\$628,017	0		Not Filed	\$208,339 (est)	\$6,500
1918	C00445775	JOE PENNACCHIO FOR U S SENATE	PENNACCHIO, JOSEPH	ALAN ZAKIN	\$853,114	0	10/23/2008	8	\$19,315	\$140
1919	C00437883	KEVIN POWELL FOR CONGRESS	POWELL, KEVIN	TYRA WASHINGTON	\$142,419	1		Not Filed	\$35,605 (est)	\$1,125
1920	C00444844	KOPPLIN FOR CONGRESS	KOPPLIN, ANDREW DAVID	RALPH J. STEPHENS	\$682,097	1	10/30/2008	15	\$8	\$125
1921	C00444406	OGONOWSKI FOR SENATE	OGONOWSKI, JAMES	KATHLEON HAAS OGONOWSKI	\$1,108,035	0	11/13/2008	29	\$3,913	\$170

10092650353

12/18/2008 10:28 AM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1922	C00443558	SABRIN FOR SENATE	SABRIN, MURRAY	CHRISTOPHER R. WHALEN, CPA	\$1,315,150	0	11/19/2008	Not Filed	\$12,887	\$500
1923	C00443465	SEAN OKANE FOR US CONGRESS COMMITTEE	OKANE, SEAN THOMAS	WILLIAM J. SAMMON	\$231,618	1		Not Filed	\$1,000	\$312
1924	C00414821	STEVE RATHJE FOR US SENATE	RATHJE, STEVE	KENNETH R. KOLEK	\$210,598	0		Not Filed	\$30,085 (est)	\$900

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2008)
October Quarterly Report (Non-Election)
Sensitive) for The Administrative Fine)
Program:)
OGONOWSKI FOR SENATE, and) AF# 1921
KATHLEON ILAAS OGONOWSKI as)
treasurer;)
KOPPLIN FOR CONGRESS, and RALPH) AF# 1920
J STEPHENS as treasurer;)
JOE PENNACCHIO FOR U S SENATE,) AF# 1918
and ALAN ZAKIN as treasurer;)
BENJAMIN LODMELL FOR U S) AF# 1911
CONGRESS, and BENJAMIN LODMELL)
as treasurer;)
BOB OLSON FOR U S SENATE, and LEE) AF# 1912
CONNERTON as treasurer:)

DELECIA HOLT FOR CONGRESS) AF# 1914
COMMITTEE, and WHITTNEY HARRIS)
as treasurer;)
DR SANDRA B LIVINGSTONE FOR) AF# 1915
CONGRESS, and ELEANOR L BUNN as)
treasurer;)
EILEEN DONOGHUE FOR CONGRESS) AF# 1916
COMMITTEE, and TIMOTHY J)
SULLIVAN as treasurer;)
GREG SOWARDS FOR CONGRESS) AF# 1917
LLC, and KIMBALL HAKES as treasurer;)
KEVIN POWELL FOR CONGRESS, and) AF# 1919
TYRA WASHINGTON as treasurer;)
SABRIN FOR SENATE, and) AF# 1922
CHRISTOPHER R WHALEN CPA as)
treasurer;)

10092650354

SEAN O'KANE FOR US CONGRESS) AF# 1923
COMMITTEE, and WILLIAM J)
SAMMON as treasurer;)
STEVE RATHJE FOR US SENATE, and) AF# 1924
KENNETH R KOLEK as treasurer;)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 18, 2008 the Commission took the following actions on the Reason To Believe Recommendation - 2008 October Quarterly Report (Non-Election Sensitive) for The Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 16, 2008, on the following committees:

AF#1921 Decided by a vote of 6-0 to: (1) find reason to believe that OGONOWSKI FOR SENATE, and KATHLEON HAAS OGONOWSKI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1920 Decided by a vote of 6-0 to: (1) find reason to believe that KOPPLIN FOR CONGRESS, and RALPH J STEPHENS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1918 Decided by a vote of 6-0 to: (1) find reason to believe that JOE PENNACCHIO FOR U S SENATE, and ALAN ZAKIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1911 Decided by a vote of 6-0 to: (1) find reason to believe that BENJAMIN LODMELL FOR U S CONGRESS, and BENJAMIN LODMELL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would

10092650355

be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1912 Decided by a vote of 6-0 to: (1) find reason to believe that BOB OLSON FOR U S SENATE, and LEE CONNERTON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1914 Decided by a vote of 6-0 to: (1) find reason to believe that DELECIA HOLT FOR CONGRESS COMMITTEE, and WHITTNEY HARRIS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1915 Decided by a vote of 6-0 to: (1) find reason to believe that DR SANDRA B LIVINGSTONE FOR CONGRESS, and ELEANOR L BUNN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1916 Decided by a vote of 6-0 to: (1) find reason to believe that EILEEN DONOGHUE FOR CONGRESS COMMITTEE, and TIMOTHY J SULLIVAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1917 Decided by a vote of 6-0 to: (1) find reason to believe that GREG SOWARDS FOR CONGRESS LLC, and KIMBALL HAKES as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

10092650356

AF#1919 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN POWELL FOR CONGRESS, and TYRA WASHINGTON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1922 Decided by a vote of 6-0 to: (1) find reason to believe that SABRIN FOR SENATE, and CHRISTOPHER R WHALEN CPA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1923 Decided by a vote of 6-0 to: (1) find reason to believe that SEAN O'KANE FOR US CONGRESS COMMITTEE, and WILLIAM J SAMMON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1924 Decided by a vote of 6-0 to: (1) find reason to believe that STEVE RATHJE FOR US SENATE, and KENNETH R KOLEK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 23, 2008
Date

Mary W. Dove
for Mary W. Dove
Secretary of the Commission

10092650357



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 2008

Benjamin Lodmell
Benjamin Lodmell for U S Congress
P.O. Box 40926
Mobile, AL 36640

C00436535
AF#: 1911

Dear Benjamin Lodmell:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through September 30th, shall be filed no later than October 15th. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 12/18/2008, the FEC found that there is reason to believe ("RTB") that Benjamin Lodmell for U S Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 15th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$900. It is due by 1/27/2009 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$40,644
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

To Challenge the RTB Finding and/or Calculated Civil Money Penalty

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by

10092650358

1/27/2009. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error in the RTB finding; miscalculation of the calculated civil money penalty by the FEC; or your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, a failure of Commission computers or Commission-provided software despite you seeking technical assistance from Commission personnel and resources; a widespread disruption of information transmissions over the Internet that is not caused by the Commission's or your computer systems or Internet service provider; and severe weather or other disaster-related incident. **Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, negligence; delays caused by vendors or contractors; treasurer and staff illness, inexperience or unavailability; committee computer, software, or Internet service provider failures; failure to know filing dates; and failure to use filing software properly.** Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. 111.35.

Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of your right to present such argument in a petition to the district court under 2 U.S.C. 437g. 11 C.F.R. 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Benjamin Lodmell for U S Congress and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on

10092650359

the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "DM II", is positioned above the printed name.

Donald F. McGahn II
Chairman

10092650360

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$900 for the 2008 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by 1/27/2009. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Benjamin Lodmell for U S Congress

FEC ID#: C00436535

AF#: 1911

PAYMENT DUE DATE: 1/27/2009

PAYMENT AMOUNT DUE: \$900

10092650361

STATEMENT OF CHALLENGE

January 26, 2009

**BENJAMIN LODMELL
BRAZIL, SOUTH AMERICA**

**RE: C00436535
AF #1911**

**FEC OFFICE OF ADMINISTRATIVE REVIEW
999 E. STREET
WASHINGTON, DC 20463**

I, Benjamin Lodmell, do hereby declare to the best of my ability that a closing report was sent to the FEC declaring that all funds in my campaign account were dispersed in this manner. 50.000,00 was deposited into the account by my personal funds. The only additional small donations were made by my brother and mother, and those were returned.

I terminated my run for Congress in April of 2008 and moved to Brazil. The closing report was filed in April. I received a letter later in the year that the FEC needed to know how the balance of the funds in my campaign account was dispersed. That information was sent back in September or October and now I am still getting correspondence that it was not received along with the notification that now a \$900.00 fine has been assessed.

If this is a valid penalty I will not dispute it. However to the best of my ability I did not deliberately ignore any correspondence from the FEC. I did not receive any notification after the disbursement information was sent in September and was not aware of the need to take any further action until this last communication was forwarded to me from America. I highly respect the FEC and am humbly submitting this declaration in the hopes that this is the final step for closure.

10092650362

Even though I am out of the country, I understand that I alone am responsible for assuring that I have done all that I needed to do, and to the best of my ability I believed I had followed all of the proper steps for closure and financial disclosure and hereby challenge this 900.00 penalty.

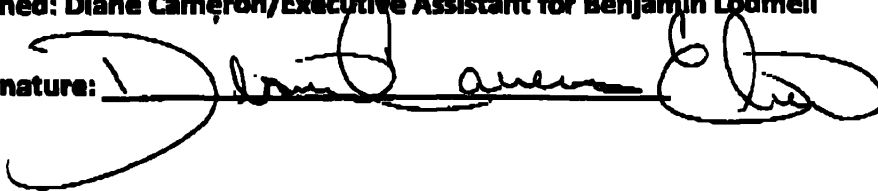
Name: Benjamin Lodmell _____ Date: January 26, 2009

Mailing Address/Executive Assistant: _____ - Smyrna, Georgia 30080 _____

Phone: .

Signed: Diane Cameron/Executive Assistant for Benjamin Lodmell

Signature: _____

A handwritten signature in black ink, appearing to read "Diane Cameron", written over a horizontal line.

10092650363



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

January 27, 2009

Benjamin Lodmell, as Treasurer
Benjamin Lodmell for U.S. Congress
P.O. Box 40926
Mobile, AL 36640

C00436535
AF# 1911

Dear Mr. Lodmell:

On January 26, 2009, the Commission received your written response ("challenge") via facsimile, which is being reviewed by the Office of Administrative Review. Please also send a hard copy to this Office if you have not already done so. The mailing address is 999 E Street, NW, Washington, DC 20463. If you have any questions regarding your challenge, contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Woodhead Werth", followed by the word "for" in a cursive script.

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

10092650364

Date: February 3, 2009

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 1911

Committee Name: Benjamin Lodmell for U S Congress

Committee ID#: C00436535

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

**Copy of RTB Circulation Report, dated December 8, 2008 and RTB
Certification, dated December 10, 2008: Previously Forwarded**

Attachment #: N/A

Certified Return Receipt (Y/N): N

Attachment #: N/A

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-Prior Notice, dated September 21, 2008.

-Non-Filer Letter, dated November 4, 2008.

-RTB Letter, dated December 22, 2008.

Attachment #: 2

Other RAD Information: (Y/N): Y – Memo to File, Copy of Returned RTB
Letter, Re-mail Information

Attachment#: 3

10092650365

DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Benjamin Lodmell for U S Congress:
 - A) Prior Notice, dated September 21, 2008, referencing the 2008 October Quarterly Report (sent via electronic mail to: BEN@LODMELL.COM);
 - B) Non-Filer Letter, dated November 4, 2008, referencing the 2008 October Quarterly Report;
 - C) Reason-to-Believe Letter, dated December 22, 2008, referencing the 2008 October Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Benjamin Lodmell for U S Congress has not yet filed the 2008 October Quarterly Report with the Commission.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 3rd day of February, 2009.



Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

10092650366



OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

September 21, 2008

CURRENT REPORT DUE

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	07/01/08 - 09/30/08	10/15/08	10/15/08

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2008 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See the January 2008 Record, which can be found on the FEC web site at www.fec.gov/pdf/record/2008/jan08.pdf

Supplemental Filing Information is available on pages 3 and 4 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

REPORTING SCHEDULE FOR REMAINDER OF 2008

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG. CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General	10/01/08 - 10/15/08	10/20/08	10/23/08
48 Hour Notices	10/16/08 - 11/01/08	---see p. 4 of notice---	
Post-General	10/16/08 - 11/24/08	12/04/08	12/04/08
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 ²

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2008 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See the January 2008 Record, which can be found on the FEC web site at www.fec.gov/pdf/record/2008/jan08.pdf.

Supplemental Filing Information is available on pages 3 and 4 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

SUPPLEMENTAL FILING INFORMATION

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates³ (including unopposed candidates and candidates whose names do not appear on the ballot) must file an October Quarterly Report by October 15, 2008.⁴

Campaigns that raise or spend more than \$5,000 for the 2008 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2008, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. For additional information, call the Electronic Filing Office at (800) 424-9530 or (202) 694-1642 or visit our website at www.fec.gov/elecfil/electron.shtml.

Under the Commission's mandatory electronic filing regulations, U.S. House committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports and statements with the FEC electronically. Other U.S. House committees may voluntarily file electronically; however, any entity that files electronically, whether required to do so or not, must comply with the electronic filing rules. U.S. Senate committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may file an unofficial copy of their reports with the Commission in order to speed disclosure.

Registered & Certified Mail

Reports sent by Registered or Certified Mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified Mail should keep its certified mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified Mail. A committee sending its report by Registered Mail should keep its proof of mailing. Note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

Overnight Mail

Reports filed via overnight mail will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

³Generally, an individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

⁴If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z.

Other Means of Filing

Reports filed by any other means—including first class mail and courier—must be received by the Commission (or for Senate committees, the Secretary of the Senate) before the close of business on the last business day before the filing deadline.

Forms are available for downloading and printing at the FEC website at www.fec.gov/info/forms.shtml.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices, which may be filed using Form 6, or under limited circumstances Form 10, must reach the appropriate federal and/or state filing office(s) within 48 hours of the committee's receipt of the contribution(s). U.S. Senate candidates must transmit the notices to the Secretary of the Senate by fax at (202) 224-1851. **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at www.fec.gov/electfil/online.shtml.

U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174. Paper forms are available at the FEC web site at www.fec.gov/info/forms.shtml.

COMPLIANCE

Treasurer Responsibility. Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. For additional information, see the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* on the web site at www.fec.gov/law/policy/2004/notice2004-20.pdf.

Administrative Fine Program. Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).⁵ For additional information, visit the FEC website at www.fec.gov/af/af.shtml.

Report Format. In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

Electronic Filers Must File Electronically. Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁶ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail service, and hand delivery.

⁵Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.

⁶Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 4, 2008

RQ-7

BENJAMIN LODMELL, TREASURER
BENJAMIN LODMELL FOR U S CONGRESS
PO BOX 40926
MOBILE, AL 36640

IDENTIFICATION NUMBER: C00436535

REFERENCE: OCTOBER QUARTERLY REPORT 7/1/2008 - 9/30/2008

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510, FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

A handwritten signature in cursive script that reads "Patricia Carmona".

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

2803991303092650371



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
MAY 15 2009

May 15, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

By: Maureen Benitz
Reviewing Analyst

Subject: AF# 1911 – Benjamin Lodmell for U.S. Congress and Benjamin
Lodmell, as Treasurer (C00436535)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

10092650372



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 15, 2009

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 1911 – Benjamin Lodmell for U.S. Congress and Benjamin Lodmell, as Treasurer
(C00436535)

On December 22, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 October Quarterly Report, a non-election sensitive report, and made a preliminary determination that the civil money penalty was \$900 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified, at their address of record, by the Reports Analysis Division ("RAD") on December 22, 2008 of the Commission's RTB finding and civil money penalty. This letter was returned to RAD on January 6, 2009. The RAD Analyst found an alternate address and sent it again via overnight FedEx delivery.

Respondents' Response

On January 26, 2009, the Commission received the written response ("challenge") from the Treasurer challenging the \$900 penalty as he thought all the proper steps had been taken to close down his account. The respondents claim that \$50,000 was deposited into the campaign account by the candidate and that a closing report had been sent to the Commission indicating how the funds were dispersed. The candidate ended his run for Congress in April of 2008, when he filed his closing report. After receiving a letter from the FEC asking for clarification on the disbursement of the remaining campaign funds, the Candidate sent the required information in September or October of 2008. He thought that once the information had been submitted, no further action was necessary on the part of the Committee. He was unaware that any additional action was required until the RTB was forwarded to him in Brazil. He hopes that this is the last step necessary to close his Committee.

Analysis

The 2008 October Quarterly Report was filed on May 13, 2009.

The Federal Election Campaign Act ("Act") states that the treasurer of an authorized committee of a candidate shall file a report for the period ending September 30 no later than October 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern

¹ Three challenges were received. One challenge dated January 26 and signed by Diane Cameron, Executive Assistant to the Treasurer, was faxed to OAR on January 26. A second challenge, also dated January 26 but not signed, was faxed to RAD. A third challenge, dated January 23 and signed by Ms. Cameron, was received by first class mail on March 3.

10092650373

Standard/Daylight Time on October 15 to be timely filed. 11 C.F.R. § 100.19(c) and 104.5(e). A principal campaign committee must continue to file reports until it files a termination report stating that it will no longer receive contributions or make disbursements, that there are no outstanding debts or obligations and the purpose for which residual funds will be used. 2 U.S.C. § 433(d)(1) and 11 C.F.R. § 102.3. The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

In the challenge, the Treasurer, who is also the candidate, asserts that a closing report was sent to the Commission. On April 12, 2008 the Commission did receive a Termination Report covering the period of January 14 to April 15, 2008. On April 24, 2008, RAD sent a Request for Additional Information ("RFAI"), to the address of record, seeking clarification on four items on the report, including the \$31,107 negative ending cash balance. In paragraph five of the RFAI, it states that they must file an amendment(s) to address the items on the RFAI before the Committee can terminate. They say they did not receive this RFAI until later in 2008. A review of the Commission's Reports Image Index for the Committee discloses that the RFAI was resent to them on October 23. The Treasurer asserts that the requested information was sent in September or October of 2008. Based on the RAD telecoms, Diane Cameron told the RAD Analyst, in January 2009, that she thought the response to the RFAI had been sent to the Commission. The Analyst explained that the Commission had not received any response, nor the October Quarterly Report. Ms. Cameron told the RAD Analyst that she would like to include in her challenge the documentation confirming that the response had been sent. To date, no additional documentation has been provided to the Commission nor has a response been received to the RFAI.

While the Treasurer thought the Committee had been terminated, they were notified on several occasions, subsequent to the filing of the Termination Report, that reports had not been filed. On July 16 and October 16, 2008, a 12-hour non-filer email notification was sent to traqueotomia@gmail.com alerting them that the 2008 July and October Quarterly Reports, had not been filed. In addition, non-filer notices dated August 1 and November 4, 2008, were sent to the Committee, at their address of record, alerting them that the 2008 July and October Quarterly Reports, respectively, had not been filed.

On several occasions between April 16 and May 6, the Reviewing Analyst spoke at length with Ms. Cameron regarding the electronic filing of the missing reports. The Reviewing Analyst explained that, because the report was not filed, the fine is based on an estimated level of activity. In several conversations, Ms. Cameron stated that there was no activity to disclose. The Reviewing Analyst repeatedly explained that, if that was the case, then the fine would be reduced to \$0; however, since the report was not filed, the estimated level of activity will be used to determine the fine. The Reviewing Analyst assisted Ms. Cameron in entering the Treasurer's name in the FECFile software so that the report could be closed and uploaded. The Reviewing Analyst also suggested that Ms. Cameron submit the other missing reports, specifically the Year-End Report, as that fine is also based on an estimated level of activity.

10092650374

In addition to receiving help from OAR, Ms. Cameron spoke with her RAD Analyst between May 7 and 13 about how to upload reports. The RAD Analyst assisted Ms. Cameron, as had the Reviewing Analyst, with adding the Treasurer's name and closing and uploading the report. Furthermore, the RAD Analyst determined that Ms. Cameron had created several .dcf data sets, and provided instructions on how to combine the data sets into one file. The RAD Analyst explained that the Committee would not be eligible to terminate until the compliance matters were resolved.

At the time of the RTB finding, the Commission estimated the level of activity to be \$40,644 because no report was received. 11 C.F.R. § 111.43(a)(2)(ii) and (e). After several weeks of telephone conversations with Ms. Cameron, the October Quarterly report was electronically filed on May 13, 2009. This report discloses \$0 in receipts and \$0 in disbursements, resulting in a level of activity of \$0. Since the schedule of penalties at 11 C.F.R. § 111.43(a)(2)(iii) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty should be assessed in this case.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$900).

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1911 involving Benjamin Lodmell for U.S. Congress and Benjamin Lodmell, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1911 that Benjamin Lodmell for U.S. Congress and Benjamin Lodmell, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the October Quarterly Report (\$0), assess a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$900); and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

Attachments

Attachment 1 – Challenges Received from Respondents

Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 –

Attachment 5 – Declaration from OAR

10092650375

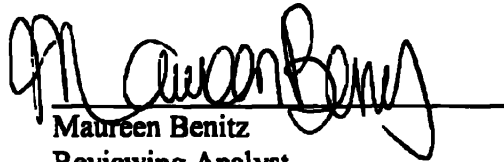
DECLARATION OF MAUREEN BENITZ

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2008 October Quarterly Report is due October 15, 2008. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on October 15 to be timely filed.
3. It is the practice of the Commission's Information Technology Division to maintain images of committees' documents on the Commission's website at http://www.fec.gov/finance/disclosure/imaging_info.shtml for the use of committees and their treasurers. The Request for Additional Information at Display Report Page by Page location 28039711172 for Benjamin Lodmell for U.S. Congress has a "Filed On" date of "10/23/2008."
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
 - a) Page 1 of the Statement of Organization filed by Benjamin Lodmell for U.S. Congress and Benjamin Lodmell, as Treasurer. According to Commission records, it was received on July 10, 2007 and lists the address on Line 1 as P.O. Box 40926 Mobile, AL 36640;
 - b) Page 1 of the Summary Page and Page 3 of the Detailed Summary Page of the 2007 Year-End Report filed electronically by Benjamin Lodmell for Congress and Benjamin Lodmell, as Treasurer. According to Commission records, the report was received on January 14, 2008. Benjamin Reid Lodmell is listed on the line for type or print name of Treasurer. Column A for Line 11(d) lists \$50,000 in loans from the candidate for this period;
 - c) Pages 1 and 2 of the Summary Page and Page 4 of the Detailed Summary Page of the Termination Report filed electronically by Benjamin Lodmell for Congress and Benjamin Lodmell, as Treasurer. According to Commission records, the report was received on April 12, 2008 and covers the period from January 14 to April 15, 2008. Ariel Moctezuma is listed on the line for type or print name of Treasurer. Line 8 lists the ending cash on hand as \$-31,107.00. Line 20(d) lists \$0 in refunds of contributions for the election cycle to date;
 - d) The 3 page Request for Additional Information for the Termination Report, dated April 24, 2008. According to Commission records, the Request is addressed to Benjamin Lodmell for U.S. Congress and Benjamin Lodmell, as Treasurer and asks for additional information for 5 items. Item 4 references a negative ending cash balance of \$31,107.00. Item 5 says that "[p]reliminary review of your Termination Report raised questions concerning your request to terminate.... In order to terminate..., you must file amendments to correct any problems.... Once the FEC receives and approves the corrections..., it will notify you. Until that time, you must continue to file all required reports;"
 - e) The Non-filer Notice for the July Quarterly Report, dated August 1, 2008. According to Commission records, the Notice is addressed to Benjamin Lodmell for U.S. Congress and Benjamin Lodmell, as Treasurer; and
 - f) Page 1 of the Summary Page and Page 4 of the Detailed Summary Page for the 2008 October Quarterly Report filed electronically by Benjamin Lodmell and Benjamin

10092650376

Lodmell, as Treasurer. According to Commission records, the Report was received on May 13, 2009 and covers the period from July 1 through September 30, 2008. Lines 24 and 26 list \$0.00 in total receipts and \$0.00 in total disbursements, respectively, for this period. The last page of the report is a memo entry which states "NO ACTIVITY."

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 15th of May, 2009.

A handwritten signature in black ink, appearing to read "Maureen Benitz", written over a horizontal line.

Maureen Benitz
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

10092650377

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
FEC MAIL CENTER
2007 JUL 10 AM 9:17

Office Use Only

1. NAME OF
COMMITTEE (in full)



(Check if name
is changed)

Example: If typing, type
over the lines.

12FE4M5

BENJAMIN LODMELL FOR U.S. CONGRESS

ADDRESS (number and street)

P.O. Box 40926



(Check if address
is changed)

MOBILE

AL

36640-

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

BEN@LODMELL.COM

COMMITTEE'S WEB PAGE ADDRESS (URL)

WWW.BENJAMINLODMELLFORCONGRESS.COM

COMMITTEE'S FAX NUMBER

602-230-2855

2. DATE

07

09

2007

3. FEC IDENTIFICATION NUMBER ►

C

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

BENJAMIN LODMELL

Signature of Treasurer

Benjamin Lodmell

Date

07

09

2007

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only						For further information contact: Federal Election Commission Toll Free 800-424-9630 Local 202-694-1100	FEC FORM 1 (Revised 02/2003)
-----------------------	--	--	--	--	--	---	---------------------------------

FEC10002.PDF

10092650378
27039464187

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Benjamin Lodmell For U.S. Congress Committee

ADDRESS (number and street)

P.O. Box 40926

Check if different
than previously
reported. (ACC)

Mobile

AL

36640

2. FEC IDENTIFICATION NUMBER

C00436535

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT ☒ NEW (N) OR ☐ AMENDED (A)

AL

01

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

☒ January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 10 01 2007 through 12 31 2007

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Benjamin Reid Lodmell

Signature of Treasurer Electronically Filed by Benjamin Reid Lodmell Date 01 11 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

10092650379

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 12/2003)

Page 3

Write or Type Committee Name

Benjamin Lodmell For U.S. Congress Committee

Report Covering the Period: From: M M D D Y Y Y Y
1 0 0 1 2 0 0 7To: M M D D Y Y Y Y
1 2 3 1 2 0 0 7

I RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	6850.00	9650.00
(ii) Unitemized.....	2085.10	2460.10
(iii) TOTAL of contributions from individuals..... ▶	8935.10	12110.10
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACS).....	0.00	0.00
(d) The Candidate.....	50000.00	60000.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))	58935.10	72110.10
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
13. LOANS		
(a) Made or Guaranteed by the Candidate.....	0.00	0.00
(b) All Other Loans.....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.).....	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶	58935.10	72110.10

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Ben Lodmell for US Congress

ADDRESS (number and street)

PO BOX 40926

Check if different
than previously
reported. (ACC)

mobile

AL

2. FEC IDENTIFICATION NUMBER

C00436535

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT ☒ NEW (N) OR ☐ AMENDED (A)

AL

01

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

☒ Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 01 14 2008 through 04 15 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Ariel Moctezuma

Signature of Treasurer Electronically Filed by Ariel Moctezuma

Date 04 15 2008

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)

Page 2

Write or Type Committee Name

Ben Lodmell for US Congress

Report Covering the Period: From: ^{M M D D Y Y Y Y}
0 1 1 4 2 0 0 8 To: ^{M M D D Y Y Y Y}
0 4 1 5 2 0 0 8

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e)).....	0.00	0.00
(b) Total Contribution Refunds (from Line 20(d)).....	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)).....	0.00	0.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17).....	30357.00	30357.00
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)).....	30357.00	30357.00
8. Cash on Hand at Close of Reporting Period (from Line 27).....	-31107.00	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

Page 4

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	30357.00	30357.00
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of all Other Loans.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS.....	750.00	750.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) >	31107.00	31107.00
III. CASH SUMMARY		
23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....		0.00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page3).....		0.00
25. SUBTOTAL (add Line 23 and Line 24).....		0.00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....		31107.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....		-31107.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 24, 2008

RQ-2

Benjamin Lodmell, Treasurer
Benjamin Lodmell for U.S. Congress
PO Box 40926
Mobile, AL 36640

Response Due Date:
May 27, 2008

Identification Number: C00436535

Reference: Termination Report (1/14/08 - 4/15/08)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. Failure to adequately respond by the response date noted above could result in an audit or enforcement action. Additional information is needed for the following 5 items:

1. While it is permissible for a person to make a contribution for the general election prior to the primary election, the recipient committee must employ an acceptable accounting method to distinguish between primary and general election contributions. (11 CFR § 102.9(e)) This general election amount must be maintained in the committee's account.

Since the candidate is no longer seeking office and will not participate in the general election, any contribution received for the general election must be returned to the donors, in accordance with 11 CFR § 110.1(b)(3). The use of general election contributions to pay primary debts and obligations is prohibited under the Act as such use could result in individuals making contributions with respect to the primary election in excess of the \$2,000 per election limit. Any subsequent report(s) filed with the Commission must disclose the refund of any general election contributions. Refunds must be done within sixty days after the candidate's announcement not to seek office.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any refund. Refunds are

10092650384
28039711172

reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. (11 CFR § 104.8(d)(4))

Please amend your report to disclose what action will be taken in regard to the general election contributions received by your committee. Although the Commission may take further legal action, prompt action by you to refund of these contributions will be taken into consideration.

2. There should not be a gap in the coverage dates of your report. You must file an amended Termination Report to include the activity from 1/1/08 to 4/15/08. (2 U.S.C. § 434(b))

3. The beginning cash balance of this report does not equal the ending balance of your 2007 Year End Report. Please correct this discrepancy and amend all subsequent reports(s) that may be affected by the correction. (2 U.S.C. § 434(b)(7))

4. Your report discloses a negative ending cash balance of \$31,107.00. This suggests that you have overdrawn your account, made a mathematical error, or incurred a debt. If your committee has incurred a debt or obligation, please itemize this debt on Schedule D, show a zero balance on Line 8 of the Summary Page and include the amount on Line 10. If the negative ending cash balance is a result of an overdraft, it may constitute a prohibited bank contribution unless it is made on an account that has automatic overdraft protection with usual and customary interest rates and a definite repayment schedule. Please file an amendment to your report to accurately disclose your financial activities. (2 U.S.C. § 434(b)(8) and 11 CFR § 104.3(d))

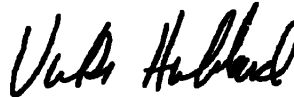
5. The Federal Election Commission's (FEC) preliminary review of your Termination Report raised questions concerning your request to terminate pursuant to 2 U.S.C. § 433(d) and 11 CFR § 102.3. In order to terminate your committee, you must file amendments to correct any problems on your Termination Report and/or on any previous reports that still contain uncorrected errors or omissions. If you are not certain about what corrections need to be made, please contact me at your earliest convenience. Once the FEC receives and approves the corrections to your report(s), it will notify you. Until that time, you must continue to file all required reports.

10092650385
28039711173

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1155.

Sincerely,



Vicki Hubbard
Senior Campaign Finance Analyst
Reports Analysis Division



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 1, 2008

RQ-7

BENJAMIN LODMELL, TREASURER
BENJAMIN LODMELL FOR U S CONGRESS
PO BOX 40926
MOBILE, AL 36640

IDENTIFICATION NUMBER: C00436535

REFERENCE: JULY QUARTERLY REPORT 4/16/2008 - 6/30/2008

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510, FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT SARI PICKERALL AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

10092650387
28039804665



FEDERAL ELECTION COMMISSION

17 CAMPAIGN FINANCE REPORTS AND DATA REPORT IMAGE SEARCH REPORTS IMAGE INDEX

Reports Image Index for Committee ID: C00436535

[FEC HOME](#) [NEW SEARCH](#) [NEW ADVANCED SEARCH](#)

BENJAMIN LODMELL FOR U S CONGRESS


PO BOX 40926
MOBILE, AL 36640

Treasurer Name: BENJAMIN LODMELL
Committee Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE)
Committee Type: H (HOUSE)
Candidate State: AL (Alabama)

CANDIDATE:
LODMELL, BENJAMIN ID: H8AL01041

Candidate listings may appear here as a result of draft committees or independent expenditure committees registering with the FEC. If no official documents of an authorized committee appear below, the individual identified here has taken no action to become a candidate.

Click [here](#) if you have a problem viewing the images.
NOTE: Images are best viewed using the latest version of Adobe Reader.

 Get Adobe Reader

Year 2008							
Document Filed	Amended	Filed On	From Date	End Date	Pages	Display Report Page By Page	Display Full Report
NOTICE OF FAILURE TO FILE		08/01/2008	04/16/2008	06/30/2008	2	28039804665	PDF
NOTICE OF FAILURE TO FILE		11/04/2008	07/01/2008	09/30/2008	2	28039913033	PDF
NOTICE OF FAILURE TO FILE		02/20/2009	10/01/2008	12/31/2008	2	29030034260	PDF
TERMINATION REPORT	TERM	04/12/2008	01/14/2008	04/15/2008	13	28990791879	PDF
REQUEST FOR ADDITIONAL INFORMATION		10/23/2008	01/14/2008	04/15/2008	4	28039711172	PDF

Year 2007							
Document Filed	Amended	Filed On	From Date	End Date	Pages	Display Report Page By Page	Display Full Report
STATEMENT OF ORGANIZATION		07/09/2007			2	27039464187	PDF
REQUEST FOR ADDITIONAL INFORMATION		08/21/2007		08/21/2007	3	27039512273	PDF

OCTOBER QUARTERLY		10/12/2007	07/01/2007	09/30/2007	7	27990766240	PDF
YEAR-END		01/14/2008	10/01/2007	12/31/2007	13	28930036160	PDF

[FEC HOME](#) [NEW SEARCH](#) [NEW ADVANCED SEARCH](#)

[What's New](#) [Library](#) [FOIA](#) [USA.gov](#) [Privacy](#) [Links](#) [eFiling](#) [Inspector General](#)  [Subscribe](#)

Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (800) 424-9530 In Washington (202) 694-1000
For the hearing impaired, TTY (202) 219-3336 Send comments and suggestions about this site to the web manager.

10092650389

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

BENJAMIN LODMELL FOR CONGRESS

ADDRESS (number and street)

3763 ELI DRIVE

X

Check if different
than previously
reported. (ACC)

SNELLVILLE

GA

30039

2. FEC IDENTIFICATION NUMBER

C00436535

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

GA

01

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

X October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 07 01 2008 through 09 30 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Benjamin Lodmell

Signature of Treasurer

Electronically Filed by Benjamin Lodmell

Date

05

13

2009

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

10092650390

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

Page 4

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	0.00	0.00
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of all Other Loans.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS.....	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	0.00	0.00
III. CASH SUMMARY		
23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....		0.00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page3).....		0.00
25. SUBTOTAL (add Line 23 and Line 24).....		0.00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....		0.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....		0.00

Image# 29902091827

Form/Schedule: F3N
Transaction ID:

NO ACTIVITY

10092650392

.....



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

May 19, 2009

Benjamin Lodmell, as Treasurer
Benjamin Lodmell for U.S. Congress
3763 Eli Drive
Snellville, GA 30039

C00436535
AF# 1911

Dear Mr. Lodmell:

On December 18, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Benjamin Lodmell for U.S. Congress and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$900 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Maureen Benitz
Reviewing Analyst
Office of Administrative Review

Attachment

10092650393



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2009 JUN -5 A 11: 20

June 5, 2009

SENSITIVE

MEMORANDUM

To: The Commission

Through: Robert A. Hickey *[Signature]*
Staff Director

From: John D. Gibson *[Signature]*
Chief Compliance Officer

Shawn Woodhead Wertz *[Signature]*
Reviewing Officer
Office of Administrative Review

By: Maureen Benitz *[Signature]*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1911 - Benjamin Lodmell for U.S. Congress and Benjamin Lodmell, as Treasurer (C00436535)

On December 22, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failure to file the 2008 October Quarterly Report, a non-election sensitive report. As a result, on December 22, 2008, the Commission also made a preliminary determination that the civil money penalty was \$900 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 13, 2009, the respondents filed the October Quarterly Report which discloses \$0 in total receipts and \$0 in total disbursements. Since the report discloses that the Committee had no activity during the October Quarterly reporting period and the schedule of penalties at 11 C.F.R. § 111.43(a)(i) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty would have been assessed had the report been filed prior to the RTB finding.

On January 26, 2009, the Commission received their written response ("challenge"). Three challenges were received. One challenge dated January 26 and signed by Diane Cameron, Executive Assistant to the Treasurer, was faxed to OAR on January 26. A second challenge, also dated January 26 but not signed, was faxed to RAD. A third challenge, dated January 23 and signed by Ms. Cameron, was received by

10092650394

10092650395

first class mail on March 3. After reviewing the challenge, the Reviewing Officer's recommendation dated May 15, 2009 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$0 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). To date, no response has been received.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1911 involving Benjamin Lodmell for U.S. Congress and Benjamin Lodmell, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1911 that Benjamin Lodmell for U.S. Congress and Benjamin Lodmell, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the October Quarterly Report (\$0), assess a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$900); and
- (3) Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1911
Benjamin Lodmell for U.S. Congress and)
Benjamin Lodmell, as Treasurer)
(C00436535))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on June 18, 2009, the Commission decided by a vote of 5-0 to take the
following actions in AF 1911:

1. Adopt the Reviewing Officer recommendation for AF 1911 involving Benjamin Lodmell for U.S. Congress and Benjamin Lodmell, as Treasurer, in making the final determination.
2. Make a final determination in AF 1911 that Benjamin Lodmell for U.S. Congress and Benjamin Lodmell, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the October Quarterly Report (\$0), assess a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$900).
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, Petersen, Walther and Weintraub voted
affirmatively for the decision. Commissioner McGahn II did not vote.

Attest:

June 18, 2009
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

10092650396



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 16, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Benjamin Lodmell, as Treasurer
Benjamin Lodmell for U.S. Congress
3763 Eli Drive
Snellville, GA 30039

C00436535
AF# 1911

Dear Mr. Lodmell:

On December 18, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Benjamin Lodmell for U.S. Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 October Quarterly Report. By letter dated December 22, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$900 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 26, 2009, the Office of Administrative Review received the written response from you, as Treasurer, challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated on an estimated level of activity, make a final determination that Benjamin Lodmell for U.S. Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 2008 October Quarterly Report filed May 13, 2009 (\$0), assess a civil money penalty in the amount of \$0 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on May 19, 2009.

On June 18, 2009, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Benjamin Lodmell for U.S. Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the level of activity disclosed on the 2008 October Quarterly Report (\$0), assessed a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$900). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the final determination recommendation is attached.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days

10092650397

from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions, please contact Maureen Benitz on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Steven T. Walther
Chairman

Attachment



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1911

DATE SCANNED 1/22/10

SCANNER NO. 2

SCAN OPERATOR SES

10092650399